In the High Court of Judicature at Madras

Dated:30.08.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. MANIKUMAR

Habeas Corpus Petition No.159 of 2006

Kumari .. Petitioner

vs.

1. Kolanchi

2. Sub Inspector of Police
Irumbulikurichi Police Station
Ariyalur, Perambalur District. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. M.N. Balakrishnan
For respondents : Mr. M. Babu Muthu Meeran
Addl.Public Prosecutor for R.2

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner Tmt. Kumari has filed this petition seeking appropriate direction to the respondents to produce the body of her minor daughter Mehala before this Court and hand over her custody to her.

2. Pursuant to the direction of this Court, the detenue Mehala appeared before us. We enquired her. According to her, she is a minor, aged bout 17 years and her date of birth being 09.07.1989. However, she informed us that she married the first respondent a year ago and as on date she gave birth to a male child, aged about 5 months. The detenue was accompanied by her mother-in-law. We also enquired her.

3. The learned Additional Public Prosecutor has informed us that the first respondent, husband of the detenue is in custody. Further, it is brought to our notice that the petitioner Kumari, mother of the detenue has made a statement before the Judicial Magistrate, Jeyangondam on 24.08.2006, conveying her unwillingness to take back her daughter. The

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learned Additional Public Prosecutor has also produced a copy of the statement recorded by the learned Judicial Magistrate.

4. In the light of the stand taken by the petitioner and taking note of the fact that the detenue though married even at the age of 16 and having a child aged about 5 months and willing to stay along with her in-laws, we permit her to continue to reside therein. We constrained to pass such order in view of the attitude of the petitioner, mother of the detenue not evincing interest in taking care of her own daughter. The detenue has also asserted that her husband, who is a Tailor by profession is able to get not less than Rs.6,000/- to 7,000/- per month from the work spot, viz., at Tiruppur. We considered all these aspects and permit the detenue to continue to reside according to her wish.

With the above observation, this petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Sub Inspector of Police
   Irumbulikurichi Police Station
   Ariyalur, Perambalur District.

2. The Public Prosecutor,
   High Court, Madras.

1 cc To Mr.M.N.Balakrishnan, Advocate, SR.39547.

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JRG(CO)
RVL 04.09.2006

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